

**STATE OF VERMONT
BOARD OF MEDICAL PRACTICE**

In Re:

Peter C. Stickney MD
Respondent

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)

Case number:
MPN80-1001

STIPULATION AND CONSENT ORDER

Now come, Peter C. Stickney, M.D., Respondent in the above captioned matter, and the State of Vermont, by and through William H. Sorrell, Attorney General, and agree and stipulate as follows:

1. The Board of Medical Practice has jurisdiction to investigate complaints of unprofessional conduct pursuant to 26 V.S.A. § 1353.
2. The Board of Medical Practice has jurisdiction to discipline licensees pursuant to 26 V.S.A. § 1353 and 1361.
3. At all times relevant to this Stipulation and Consent Order respondent was licensed as a Medical Doctor by the State of Vermont holding license number 042-0004909.

Office of the
ATTORNEY
GENERAL
109 State Street
Montpelier, VT
05609

I. Background

4. The above-referenced matter was opened before the Vermont Board of Medical Practice in January of 2001 in response to a complaint alleging inadequate supervision of office staff by respondent.

5. The Board of Medical Practice investigated the above complaint. That investigation included a review of many of Respondent's office records. The records reviewed were generated between 1996 and 2001.

6. The Medical Board's review of Respondent's records led the Board to conclude that the records indicated patient visits on specific dates. The record of the visit in question would often show the patient's weight, blood pressure, pulse and respiration rates. Other than that, the Board concluded that the record of the patient visit often contained information that was handwritten, minimal and largely illegible. On many occasions the Board concluded that it was impossible to determine the purpose of the office visit from the records. The Board's review concluded that many of the records reviewed were inadequate and demonstrated on repeated occasions the failure to exercise that degree of care skill and proficiency which is commonly exercised by the ordinarily skillful, careful, and prudent physician engaged in the production and maintenance of patient records.

7. The Board concluded that frequently between 1997 and 2001 Respondent provided medical treatment to a member of his immediate family in non-emergency circumstances.

8. Respondent and his representatives have cooperated fully with the Board's investigation. Respondent makes no admission regarding any alleged

actions or omissions on his part or as to whether there exists evidence to establish the State's allegations of unprofessional conduct, under 26 V.S.A. § 1354(22). Nonetheless, Respondent agrees that some of the records in question could be difficult for other practitioners to read and also agrees that more detail and information within these medical records would make them more useful to other practitioners. Respondent understands that if this matter were to proceed to hearing, and the State were to satisfy its evidentiary burden as to the allegations set forth in paragraphs 6 and 7, he would be subject to sanctions, pursuant to 26 V.S.A. §§ 1361. However, the parties agree that no such hearing is necessary in light of Respondent's willingness and agreement to take the actions set forth in the Agreement below.

III. Agreement

9. Respondent wishes to resolve the instant matter before the Board by entering into a Stipulation and Consent Order with the Board. Respondent acknowledges that he is voluntarily agreeing to this Stipulation and Consent Order and understands that by executing this document he is waiving any right to challenge the Board's jurisdiction, to be served with a formal Specification of Charges, to be presented with the evidence against him, to cross-examine adverse witnesses, and to offer evidence of his own to contest the State's charges. Respondent understands that at all times and in all proceedings related to this complaint he has had the right and opportunity to be represented by and advised by counsel, including the right to counsel in reviewing and considering this Stipulation and Consent Order.

10. Respondent agrees to imposition of conditions upon his license to practice medicine, as set forth below, pursuant to 26 V.S.A. § 1361(b).

IV. Remedy

11. Respondent agrees, as a condition of licensure, that he shall attend and successfully complete the two-day intensive course in medical record keeping which the School of Medicine of the Case Western Reserve University offers. Moreover, Respondent agrees that his attendance shall take place on June 5th and 6th 2003. Respondent agrees that he shall document his attendance and successful completion of this coursework by prompt submission to the Board of appropriate certification, documentation, and/or evaluation of his coursework. Respondent understands and agrees that he may not substitute other coursework or teaching for the Case Western Reserve course, which is referred to herein. Respondent agrees that he shall bear all costs of training under this Stipulation and Consent Order.

12. Respondent hereby proposes for the Board's consideration and approval, Laurie Desjardins of the Coding Center of the Maine Medical Association, New Hampshire Medical Society, and Vermont Medical Society as a consultant with expertise, skills, and training in the procedures, methods, technologies, content, and standards pertaining to the sound and effective creation and utilization of medical records by practitioners in a variety of treatment settings. Respondent shall submit for the Board's prior approval a plan for the consultant's examination and review of all aspects of Respondent's medical record keeping, including factors such as the method of individual entries, internal organization,

consistency, content, level of detail, legibility, and usefulness of these records to other practitioners within and outside Respondent's practice. The Board will review the proposed plan and render a decision with reasonable promptness.

13. In the event that Respondent's identified consultant, as referred to in paragraph 12, above, is not accepted by the Board, the Board agrees to assist Respondent in finding a consultant whose expertise, skills, and training will satisfy the requirements set forth in this paragraph and below. Respondent, however, remains responsible for fulfilling the requirements set forth in paragraphs 11 through 18. Respondent shall bear the costs of all such consultation under the terms of this Stipulation and Consent Order.

14. The consultant described above, who shall be approved in advance by the Board, shall review the medical records of at least 30 patients on-site at Respondent's office and shall spend a minimum of two days working with Respondent and his records. The consultant shall orally provide an immediate preliminary report and recommendations to Respondent at the close of the on-site review.

15. The consultant described above shall prepare and simultaneously submit to both Respondent and the Board of Medical Practice a detailed written report of findings and observations, recommendations for needed change or improvement, and suggestions for follow-up, including coursework, training, and possible adoption of new methods or technologies for record keeping. Respondent agrees that he shall promptly review such written report and respond in writing to the Board, stating his agreement or disagreement with its content and outlining

such remedial steps as he proposes to take in response. Respondent agrees to promptly pursue all reasonable recommendations by the consultant for needed study, training, and/or coursework related to his medical record keeping and shall advise the Board of any such recommendations he may deem unreasonable. At its choosing, the Board may comment upon Respondent's proposed remedial actions. All aspects of the consultant review, as described in paragraphs 12 through 18, shall be completed within six months of the effective date of this Stipulation and Consent Order.

16. Respondent agrees he shall be responsible for arranging for and the cost of a follow-up review by the consultant, to take place and be completed no later than six months after the date of completion of the consultant's report referred to above. Such review shall examine the medical records at Respondent's practice, Respondent's methods for creating such records, their content, and office policies and procedures relating to such records. The consultant shall review the medical records of at least 20 patients, which were created after the consultation referred to paragraphs 12 through 17 and shall spend a minimum of one day working on-site with Respondent and his records. The consultant shall orally provide an immediate preliminary report and recommendations to Respondent at the close of this on-site, follow-up review.

17. The consultant after completion of the above follow-up review shall promptly prepare and simultaneously submit to both Respondent and the Vermont Board of Medical Practice a written report of findings and observations, recommendations for needed change or improvement, and suggestions for

follow-up by Respondent. Such report shall be completed and submitted within 30 days of completion of the follow-up review. Respondent shall promptly advise the Board of his agreement or disagreement with the content of this follow up review or its recommendations for additional study, training, and/or coursework related to his medical record keeping. Respondent agrees to promptly pursue all reasonable recommendations by the consultant for additional needed study, training, and/or coursework.

18. Respondent agrees and understands that his records shall clearly indicate any involvement his staff has had in providing patient care and the manner in which non-physician staff members have been supervised in the provision of said care.

19. Respondent agrees to require all individuals working in his practice who have contact with patients to participate in education and training programs relating to medical record keeping and to participate in the consultant's reviews of Respondent's record keeping and reviews of the procedures for record keeping within his office. Respondent agrees to require practitioners and staff within his office to read and/or consider each of the consultant's reports, whether oral or written, that are required under this agreement.

20. Respondent understands and agrees that the Board of Medical Practice at any time, at its sole discretion, following reasonable notice, may inspect and review patient medical records maintained in his office, interview office staff, make photo copies, and may employ at its expense an independent reviewer to

examine and comment on Respondent's medical record keeping. Respondent agrees to cooperate fully with the work of any such independent reviewer.

21. Respondent agrees that only licensed and/or credentialed staff will diagnose, evaluate or treat patients.

22. Respondent will create a pamphlet describing his staff by name and individual credentials and shall make said pamphlet available to patients.

23. Respondent agrees that there will be no treatment of patients in his office, unless Respondent or another physician is actually present in the office, except to the extent that credentialed staff are authorized by Chapter 28 of Title 26 or by rules/approved scope of practice or appropriate regulations of applicable boards.

24. Respondent agrees that he will not provide medical treatment to any member of his immediate family in absence of bona fide emergency circumstances.

V. Other Terms

25. The parties agree that the instant complaint against Respondent shall be administratively closed upon his execution of this Stipulation and Consent Order and its acceptance by the Vermont Board of Medical Practice. The Board will take no further action on this complaint, absent non-compliance with the terms and conditions of this document by Respondent or the receipt of new information or evidence that warrants further action. Respondent understands that the Board is obligated to investigate in the event that new matters or information come to the attention of the Board, and, if warranted, the Board may impose appropriate disciplinary action pursuant to law. 26 V.S.A. §§ 1355, 1361, 1398. As of the

effective date of this Stipulation and Consent Order the Board of Medical Practice does not contemplate further action with regard to Respondent. Respondent understands that the investigation and case, which are being resolved by this Stipulation and Consent Order, do not involve billing issues.

26. Respondent understands and agrees that he bears responsibility for obtaining prior or advance approval from the Board that is required by this Stipulation and Consent Order and for personally ensuring that the Board promptly receives all information and reports required under the terms of this Stipulation and Consent Order. Failure to abide by or satisfy these requirements may be cause for further action by the Board. See Paragraph 30, below.

27. Respondent understands and agrees that he may petition the Board for removal of the above conditions no sooner than 36 months following the effective date of this Stipulation and Consent Order and only upon his successful completion of all terms and conditions herein. Removal of such conditions shall be at the sole discretion of the Board.

28. The parties agree that this Stipulation and Consent Order shall be a public document, will be made part of Respondent's licensing file, and may be reported to other licensing authorities.

29. This Stipulation and Consent Order is conditioned upon its acceptance by the Vermont Board of Medical Practice. If the Board rejects any part of this document, the entire agreement shall be considered void.

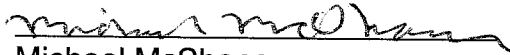
30. Respondent agrees to be bound by the terms and conditions of this Stipulation and Consent Order. Respondent agrees that the Board of Medical

Practice possesses and shall retain jurisdiction to enforce the terms and conditions of this Stipulation and Consent Order. Respondent understands and agrees that failure by him to abide by any of the terms and conditions herein may delay removal of the conditions imposed herein, may constitute unprofessional conduct under 26 V.S.A. § 1354(25), and after notice and hearing may subject Respondent to such further disciplinary action, as the Board may deem appropriate.

Dated at Montpelier, Vermont, this 13th day of January 2003.

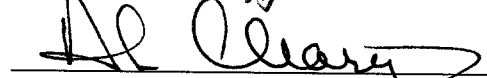
STATE OF VERMONT

WILLIAM H. SORRELL
ATTORNEY GENERAL

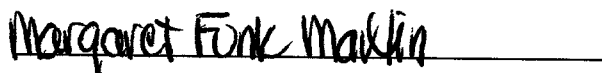
by: 
Michael McShane
Assistant Attorney General

Dated at Rutland, VT., this 20th day of January 2003.


Peter C. Stickney, M.D.


David L. Cleary, Esq.
Counsel for Respondent

**FOREGOING, AS TO Peter C Stickney, M.D., APPROVED AND ORDERED,
VERMONT BOARD OF MEDICAL PRACTICE:**



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109 State Street
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05609

Margaret Balthus MD
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J. O'Leary
David H. O'Leary

DATED: February 5, 2003

ENTERED AND EFFECTIVE: February 5, 2003